

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:99CR00264-03 (SEC)

MICHAEL MIRANDA-SANTIAGO

MOTION FOR SOME DISPOSITION

**TO THE HONORABLE SALVADOR E. CASELLAS
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, ABNER VALCARCEL-MATOS, U.S. PROBATION OFFICER of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, Michael Miranda-Santiago, who on October 6, 2000, was sentenced to sixty (60) months of imprisonment after he pled guilty of violating Title 21 U.S. Code, § 846. A five (5) year supervised release term and a special monetary assessment in the amount of \$100.00 were also imposed. As special conditions, the offender was ordered to submit to urinalyses and participate in a substance abuse treatment program, if necessary. The offender was released from custody on August 8, 2003.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Since his release from custody, the offender has violated the following conditions of his supervised released term:

1. GENERAL CONDITION- “WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”

On November 1, 2003, the offender was charged with violating Article 3.1 of the Puerto Rico Law 54 of Domestic Violence and Article 5.04 of the P.R. Weapons Law. After final disposition was obtained and carefully reviewed, it was noted that cases were dismissed pursuant to Rule 64-n-6 of the Commonwealth of Puerto Rico of Criminal Procedures since the victim, Carla Bache-Molina, did not appear in court and the government did not pursue with the charges.

2. MANDATORY CONDITION- “THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE AND SHALL SUBMIT TO ONE DRUG TEST WITHIN FIFTEEN

(15) DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO (2) PERIODIC DRUG TESTS THEREAFTER, AS DIRECTED BY THE PROBATION OFFICER”.

On February 1, 2005, Mr. Miranda-Santiago tested positive to opiates. Upon confrontation, the offender admitted having ingested a medication called Oxycontin which is derived from opium. As a result he was placed on an intensive urinalysis schedule. As of the filing of this motion, the offender has not tested positive again.

3. STANDARD CONDITION NO. 11- “THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO (72) HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER”.

Mr. Miranda-Santiago failed to notify that he was summoned by the local police agents as required.

WHEREFORE, I declare under penalty and perjury that the foregoing is true and correct. It is respectfully requested that a written reprimand be issued to the offender. Should he incur in additional violations, the Court will be duly notified. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 11th day of April 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY certify that on April 11, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia I. Torres-Pabon, Assistant U.S. Attorney and Roberto Roldan-Burgos, Esq.

In San Juan, Puerto Rico, April 11, 2005.

s/ Abner Valcarcel
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